

THE HONORABLE JAMES L. ROBART

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JOHNNY B. DELASHAW, JR., M.D.,
Plaintiff.

ALDEN ROBERTS, M.D.; MELANIE
DELEON; MICAH MATTHEWS;
GORDON WRIGHT; AND STEPHEN
CORREA, D.V.M., each in their
individual capacities.

Defendants.

NO. C18-1850-JLR

**STIPULATED MOTION TO AMEND
ORDER ON CROSS-MOTIONS FOR
SUMMARY JUDGMENT (DKT. #77)
AND ORDER**

NOTE FOR HEARING: 08/13/2020

BY STIPULATION AND AGREEMENT, the Plaintiff and the Defendants, by and through their respective counsel of record, request the Court grant the following relief in accordance with Fed. R. Civ. P. 60(a):

1. On August 7, 2020, the Court entered its Order on Cross-Motions for Summary Judgment. (Dkt. #77). The parties believe there are two (2) clerical or scrivener's error in the text of the Order that should be corrected for purposes of clarity. Both errors appear on page 25 of the Order. (Dkt. #77 at 25).

2. On page 25 of the Order at line 9, the Order reads as follows, “about the Hobday report’ after Dr. Roberts initiated this lawsuit and after Dr. Roberts.” The parties submit the first

1 reference to "Dr. Roberts" should refer to "Dr. Delashaw" because Dr. Delashaw initiated this
2 lawsuit. (Dkt. #77 at 25:9).

3 3. On page 25 of the Order at line 14, the Order reads as follows, "(‘Roberts Dep.’) at
4 93:12-24.) Dr. Roberts’ resulting report found that ‘Dr. Delashaw is.’ The parties submit the
5 second reference to “Roberts” should refer to Dr. Hobday because Dr. Hobday is the one who issued
6 the referenced report. (Dkt. #77 at 25:14).

7 4. “The court may correct a clerical mistake or a mistake arising from oversight or
8 omission whenever one is found in a judgment, order, or other part of the record.” Fed. R. Civ. P.
9 60(a).

10 SIGNED AND STIPULATED TO THIS 13th day of August, 2020.

11 BENNETT BIGELOW & LEEDOM, P.S.

12 ROBERT W. FERGUSON
Attorney General

13 s/ Michael Madden
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16 s/ Scott M. Barbara
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19 ORDER

20 IT IS SO ORDERED.

21 
22 JAMES L. ROBART
23 United States District Judge
24
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CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will also send notification of such filing to the following parties:

Michael Madden – mmadden@bbllaw.com
Amy M. Magnano – amagnano@bbllaw.com

SIGNED THIS 13th day of August, 2020.

s/ Scott M. Barbara
SCOTT M. BARBARA, WSBA # 20885
Attorney for Defendants